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By

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Date: May 25, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4
Plunkett
6/6/01

Inventor(s): Jay K. Bass

Group Art Unit: 1631

Serial No.: 09/491,527

Examiner: M. Allen

Filed: January 26, 2000

Title: FEATURE QUALITY IN ARRAY FABRICATION

Atty Docket: 10990629-1

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed April 25, 2001, applicant hereby elects Group VI (claims 19-27) with traverse for the reasons discussed below. Since Group VI is elected in the present application, discussion of the restriction requirement as between the other of the groups is considered moot. Applicant reserves the right to dispute the restriction requirement as between the other claims in a subsequent divisional application. Similarly, discussion of the Examiner's comments regarding the "goal" and "intent" of the non-elected claims is reserved for a divisional application, except to note at this time that there is no statutory requirement for recitation of a "goal" or "intent" in a claim.

Applicant reminds the Examiner that in making the restriction requirement between the identified Groups or species the Examiner, at least implicitly, is acknowledging that each identified Group and species is patentable over the other. This is so since for any restriction MPEP 802.01 requires that each of the subjects of the restriction must be "PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art)". Thus, after making a restriction requirement, if the Examiner finds a reference disclosing only what is disclosed in a claim of one Group, it would be inconsistent to